IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.79004-M of 2006

Date of Decision: 3.4.2007

Swaran Singh and another

....Petitioners.

Versus

State of Punjab and another

...Respondents.

Present:- Mr.Veneet Sharma,Advocate
for the petitioners.

Mr.A.S.Jattana, Addl. AG Punjab.

Mr.H.S.Baath, Advocate for
respondent No.2.

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S.S.SARON, J.(ORAL)

Heard learned counsel for the parties.

Learned counsel for the petitioners has submitted that pursuant to the order dated 15.12.2006 passed by this Court, the petitioners have furnished their bail bonds. It is further contended that the petitioners are being proceeded against in a complaint case and their custody is not required for the purpose of investigation. It is also contended that earlier the police registered a FIR against the petitioners, however, after investigation the cancellation report dated 20.8.2004 was filed.

Learned counsel for the State submits that cancellation report in the case has indeed been filed and the petitioners were found innocent during the investigation.

Learned counsel appearing for the complainant/respondent No.2 has opposed the application. It is submitted that the application for anticipatory bail is not maintainable in respect of the offence relating to the

provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, therefore, the petitioners may seek regular bail, if so advised.

I have given my thoughtful consideration to the matter. It may be noticed that the petitioner has been summoned in a complaint case where the custody of the petitioners is not required for the purpose of investigation. Besides in the police report that was filed, the petitioners were found innocent and the cancellation report dated 20.8.2004 has admittedly been filed. Therefore, from the above facts it appears that the petitioners are not liable for the offence. Moreover, the petitioners have furnished the necessary bail bonds. Petitioner No.1 was earlier in the FIR that was registered granted pre-arrest bail by this Court vide order dated 12.1.2005 (Annexure P-1). Petitioner No.2 was taken in custody in the FIR that was registered and thereafter was released on regular bail.

In view of the above, it would be just and expedient to confirm the interim order dated 15.12.2006 as there is one version of innocence of the petitioners.

In the circumstances, the interim order dated 15.12.2006 is made absolute. However, nothing stated herein shall be taken as an expression on the merits of the case and the learned trial Court shall consider and examine the case on the basis of evidence and materials as produced before it.

The criminal miscellaneous stands disposed of.

(S.S.SARON)
JUDGE

April 03,2007
Reema